

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. FRANCISCO DEDUYO, DEFENDANT AND APPELLANT.

G.R. No. L-2000. January 31, 1950

Ponente: PARAS, J.

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PARAS, J.:

This is an appeal from a decision of the People's Court convicting the appellant of treason and sentencing him to life imprisonment, with legal accessories, and to pay a fine of P10,000, plus the costs. The amended information charged 15 counts, but the conviction was premised only on counts 1, 5, and 14.

As to count 1, the evidence for the prosecution shows that during the Japanese occupation the appellant, as member of the military police organization in Sariaya, Tayabas (now Quezon) Province, rendered services to the Japanese army by participating in the arrest, investigation and torture of guerrillas. This count is established by the testimony of Clemente Ballecer and Josefa. Vda. de Rodriguez.

As to count 5, it is alleged by the prosecution that on February 9, 1945, the appellant, with Japanese soldiers and some members of the military police organization, arrested in Sariaya Quirico Delica, Manuel Alcala, Jesus Alcala, Antonio Alcala, Jose A Jabole, and Abelardo Lopez. On the occasion in which this arrest was effected, appellant accused the people in Barrio Pantoc of being guerrillas. Palay and rice were also confiscated. The persons thus arrested were investigated and maltreated in the garrison housed in the convent in Sariaya. The Alcala brothers and Abelardo Lopez were detained for more than one month. Quirico Delica, after two weeks in the garrison, was taken therefrom and was never heard of. This count was established by Severino Gutierrez, Manuel Alcala, Jose Alcala, Antonio Alcala, Abelardo Lopez, Josefa Rodriguez, and Eligio Fajardo.

Under count 14, it is maintained by the prosecution that in June, 1943 the appellant, after apprehending Alfredo Mendoza in a cockpit in Sariaya, delivered the latter to his Japanese companions. In the afternoon of that day, Alfredo was brought to his house by appellant and some Japanese soldiers. Alfredo's hands were tied behind his back, a rope was around his neck, and his face was swollen. Appellant asked Alfredo to produce his revolver, and upon insisting that he had none, Alfredo was maltreated. The appellant got from Alfredo's wife the keys with which the appellant opened their wardrobe, and from this he took money and jewels. Alfredo was thereafter not heard of.

The defense consists of denials, but in view of the fact that the witnesses for the Government had no reason to falsely incriminate the appellant, we are fully convinced of his guilt. As a matter of fact, appellant's attorney de oficio concurs in the findings of the People's Court and in appellant's conviction. He merely recommends that the appellant be given the benefit of a mitigating circumstance under article 13, paragraph 10, in relation to paragraph 3, of the Revised Penal Code, in that, as he was uncultured, he could not have known the import and gravity of his acts specially in view of the circumstance that the leaders of his people then decided to feign collaboration with the enemy. We have to reject this plea, because it is inconsistent with the denials set up by the appellant and with the manner in which his treasonable acts were accomplished.

Wherefore, the appealed decision, being in accordance with the facts and the law, is hereby affirmed.

Moran, C.J., Ozaeta, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, and Torress, JJ., concur.

Feria, J., no part.

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